

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA

v.

SCHWEKA FANYON BROOKS

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CRIMINAL NO. 4:16-CR-117-ALM-KPJ

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on August 13, 2020, to determine whether Defendant violated her supervised release. Defendant was represented by Denise Benson. The Government was represented by Marisa Miller.

On June 30, 2017, Defendant was sentenced by the Honorable Amos L. Mazzant, United States District Judge, to a sentence of twenty-four (24) months imprisonment followed by a two (2) year term of supervised release. Defendant's supervision commenced on August 14, 2018.

On February 3, 2020, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 123). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant must refrain from any unlawful use of a controlled substance; (2) after initially reporting to the probation office, Defendant will receive instructions from the court or the probation officer about how and when Defendant must report to the probation officer, and Defendant must report to the probation officer as instructed; and (3) Defendant must participate in a program of testing and treatment for substance abuse and follow the rules and regulations of that program until discharged. The probation officer, in

consultation with the treatment provider, will supervise Defendant's participation in the program. Defendant must pay any cost associated with treatment and testing.

The Petition asserts that Defendant violated these conditions because: (1) on April 10, 2019, Defendant submitted a urine sample which tested positive for marijuana and cocaine; Defendant subsequently admitted to using marijuana and cocaine and signed an admission form stating such; on December 13, 2019, Defendant submitted a urine sample which tested positive for cocaine; Defendant subsequently admitted to using cocaine and signed an admission for stating such; (2) Defendant failed to report to the U.S. Probation Office as directed on December 4 and December 6, 2019; and (3) on December 4, 2019, Defendant was unsuccessfully discharged from substance abuse treatment at New Focus Counseling for excessive missed appointments and failure to participate as directed. Additionally, on December 18, 2019, and January 2 and 29, 2020; Defendant failed to submit a urine sample as directed by the random UA call-in program at Texas & Oklahoma Occupational Medicine Services. Additionally, Defendant failed to participate in a program of testing for drug abuse by failing to call the random drug testing notification line as instructed on the following dates: December 16-20, 24, 2019; and January 1, 3, 26, 27, 29-31; and February 1 and 2, 2020.

At the hearing, Defendant entered a plea of true to allegations 1, 2, and 3. The Court finds that Defendant has violated the terms of her supervised release, and thus, her supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the August 13, 2020, hearing, the Court recommends that Defendant be released for

over five (5) months' time served with twelve (12) months supervised release to follow with the same previously imposed conditions.

So ORDERED and SIGNED this 14th day of August, 2020.

A handwritten signature in black ink, appearing to read 'K. Priest Johnson', written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE